

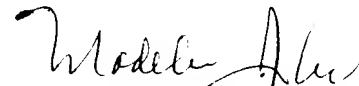
Applicants request examination on the merits.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 263742002801. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: November 28, 2000

By:



Madeline I. Johnston  
Registration No. 36,174

Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-5840  
Facsimile: (650) 494-0792

**APPENDIX A**  
Claims as Amended

20. (Amended) A therapeutic composition for administration via the pulmonary airways comprising substantially dry, discrete microcapsules having a solid wall formed of a non-denatured, water-soluble wall-forming material, wherein said microcapsules are hollow [and substantially smooth and spherical] and have a mean size of between 1 and 10  $\mu\text{m}$ , and a therapeutically effective amount of a therapeutic or diagnostic agent;

wherein the wall forming material optionally is the therapeutic or diagnostic agent.

21. The composition according to claim 20, wherein said therapeutic or diagnostic agent is the sole component of the microcapsule.

22. The composition according to claim 20, wherein the particle size of said microcapsule is between 1 and 5  $\mu\text{m}$ .

23. The composition according to claim 20, wherein said microcapsules have a maximum interquartile range of 3  $\mu\text{m}$ .

24. The composition according to claim 20, wherein said microcapsules have a maximum interquartile range of 2  $\mu\text{m}$ .

25. The composition according to any of claims 20 to 23, which is sterile.

26. The composition according to claim 1, wherein said water-soluble material is an amino or polyamino acid.

27. The composition according to claim 1, wherein said water-soluble material is a protein, peptide or enzyme.

28. The composition according to claim 1, wherein said water-soluble material is a human protein or fragment or recombinant thereof.

29. The composition according to claim 1, wherein said water-soluble material is a protein with a NH, CO, OH or SH retained functional group.

30. The composition according to claim 28, wherein said water-soluble material is a carbohydrate.